

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2440

Introduced by Assembly Member Tom Berryhill

February 19, 2010

~~An act to amend Section 127664 of the Health and Safety Code, relating to public health. An act to add Section 7150.16 of the Health and Safety Code, relating to anatomical gifts.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2440, as amended, Tom Berryhill. ~~Public health: health care benefits.~~ *Uniform Anatomical Gift Act: prison inmates.*

Existing law establishes a system of state prisons.

Existing law, the Uniform Anatomical Gift Act, sets forth the methods and procedures for a person to become a donor of an anatomical gift.

This bill would require an inmate, upon admittance to a state prison, to complete a form through which the inmate would give or deny his or her consent to be an organ and tissue donor upon death.

~~Existing law requests the University of California to establish the California Health Benefit Review Program to assess legislation proposing to mandate a benefit or service, as defined, and legislation proposing to repeal a mandated service or benefit, as defined, that, if enacted, becomes effective on or after January 1, 2008, and to prepare a written analysis in accordance with specified criteria. Existing law also requests the University of California to submit a report to the Governor and the Legislature by January 1, 2010, regarding the implementation of the program.~~

~~This bill would additionally request the University of California to submit to the Governor and the Legislature by July 1, 2011, an~~

evaluation of the accuracy of the medical, public health, and cost projections and estimates found in the reports it has issued pursuant to the program prior to December 31, 2009.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 7150.16 is added to the Health and Safety*
2 *Code, to read:*

3 *7150.16. (a) (1) Upon admittance to a state prison, an inmate*
4 *shall be required to complete a form through which the inmate*
5 *would give or deny his or her consent to be an organ and tissue*
6 *donor upon death. The following statement shall be placed at the*
7 *top of the form: "Enroll with Donate Life California Organ and*
8 *Tissue Donor Registry."*

9 *(2) The inmate shall be required to check one of the following*
10 *answers:*

11 *(A) Yes, add my name to the donor registry.*

12 *(B) I do not wish to register at this time.*

13 *(3) The form shall also contain the following statement:*

14
15 *"If, on this form, you marked 'Yes' to register as an organ and*
16 *tissue donor you are legally authorizing the recovery of organs*
17 *and tissues in the event of your death."*

18
19 *(b) It is the intent of the Legislature to create a process by which*
20 *inmates may become organ and tissue donors. It is further the*
21 *intent of the Legislature that an inmate's participation in the donor*
22 *registry be strictly voluntary, and that no special consideration or*
23 *treatment will be provided to an inmate for participation in the*
24 *donor registry and no repercussions will result from an inmate's*
25 *nonparticipation.*

26 ~~SECTION 1. Section 127664 of the Health and Safety Code~~
27 ~~is amended to read:~~

28 ~~127664. (a) The Legislature requests the University of~~
29 ~~California to submit a report to the Governor and the Legislature~~
30 ~~by January 1, 2014, regarding the implementation of this chapter.~~

31 ~~(b) The Legislature requests the University of California to~~
32 ~~submit to the Governor and the Legislature by July 1, 2011, an~~

- 1 ~~evaluation of the medical, public health, and cost projections and~~
- 2 ~~estimates found in the reports it has issued pursuant to this chapter~~
- 3 ~~prior to December 31, 2009.~~

O